

**TIPP CITY COUNCIL STUDY SESSION**

**TIPP CITY, MIAMI COUNTY, OHIO**

**DECEMBER 1, 2008**

**Study Session**

City Manager Jon Crusey opened the Study Session at 7:05 p.m. on this date.

**Roll Call**

Council Members in attendance included: William D. Beagle, George H. Lovett, President Patrick A. Hale, John E. Kessler, Vickie K. Blakey, Mayor Tim Evans, and Dolores Gillis. Others in attendance included: Law Director Joseph P. Moore, City Engineer Scott P. Vagedes, Assistant City Manager Bradley C. Vath, Assistant Utilities Director Christy Butera, *Dayton Daily News* reporter Nancy Bowman, and Clerk of Council Misty Cheshire.

**Discussion –  
Miami County Sewer  
Contract**

Mrs. Butera used the attached PowerPoint presentation outlining a new Master Sewer Agreement (MSA) with Miami County, which will replace the existing Evanston and Country Estates Agreement. The new MSA will cover sanitary sewer for Deer Cliff Run and Hilltop Estates. Mrs. Butera highlighted the rate structures for each subdivision.

The agreement also implements a surcharge to the County if certain water inflow and infiltration requirements are not met. Tipp City will keep the collected fees in a separate account that the County can draw upon to fund inflow and infiltration projects in this service area. If the fees are not used within a five-year period the money would revert to the City. Mr. Crusey anticipated that the fee could generate approximately \$10,000 a year.

The new agreement also addresses annexation and intervening user protection clauses. Mrs. Butera noted that Law Director Moore reviewed the contract and has approved the language. Mr. Lovett suggested the agreement include verbiage preventing the County from dealing directly with Tri-Cities Association.

**Adjournment**

Mr. Crusey stated that this resolution would be on the December 15<sup>th</sup> agenda. The study session concluded at 7:20 p.m.

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Patrick A. Hale, President of Council

Attest: \_\_\_\_\_  
Misty Cheshire, Clerk of Council

## TIPP CITY COUNCIL MEETING

TIPP CITY, MIAMI COUNTY, OHIO

DECEMBER 1, 2008

### Roll Call

President Patrick A. Hale called to order the regular meeting of the Tipp City Council at 7:30 p.m. Roll call showed the following Councilmembers present: William D. Beagle, Vickie K. Blakey, Dolores Gillis, Mayor Tim E. Evans, George H. Lovett, President Patrick A. Hale, and John E. Kessler.

Others in attendance: City Manager Jon Crusey, Law Director Joseph P. Moore, Finance Director Richard Drennen, Fire Chief Steve Kessler, EMS Chief Mark Senseman, Assistant Utilities Director Christy Butera, City Engineer Scott Vagedes, Assistant City Manager Bradley C. Vath, *Dayton Daily News* reporter Nancy Bowman, and Clerk of Council Misty Cheshire.

Citizens signing the register included: Scott Thomas, Shannon Amett, Michael McFarland, Katie Black, Mark Mabelitini, and Matt Owen.

### Invocation and Pledge of Allegiance

Mayor Evans delivered the invocation. President Hale led the Pledge of Allegiance.

### Approval of Agenda

President Hale moved to amend the agenda to add an Executive Session at the end of the meeting to discuss a personnel matter and pending and imminent litigation to include the City Manager and the Law Director, seconded by Mr. Lovett. The motion unanimously carried. The amended agenda was approved with a motion from Mr. Beagle, seconded by Mayor Evans.

### Adoption of Minutes

Mrs. Gillis moved, seconded by President Hale, to approve the minutes of the November 17, 2008 Pre-Meeting Study Session. The motion carried 7-0.

Mr. Kessler noted a correction to the November 17, 2008 City Council Meeting minutes. Page 15, paragraph 6, sentence 2, should read as follows: "Mr. Kessler stated that **if** the twelve acres are contaminated and penetrate the City's property, ~~and wondered if~~ **would** the owner of the twelve acres ~~would~~ be responsible for the clean-up."

President Hale moved to approve the amended minutes of the November 17, 2008 City Council Meeting minutes, seconded by Mr. Kessler. The motion carried with a vote of 7-0.

### Presentations Lego League Team

Fifth grade students from L.T. Ball Intermediate School's Lego League Team performed a skit about what our community was doing for wetland conservation.

### DTCP Quarterly Update

Mr. Owen, Executive Director of the Downtown Tipp City Partnership (DTCP), provided City Council with a quarterly update. He reported on the Windows on Tippecanoe Gala, which raised \$7,500 that will be used to form an Arts Council. The HarvestFest drew 175 people and grossed \$1,500. Mr. Owen noted that the DTCP was asked to step-in nine days before the Winter's Gathering to save the event, which was

going to be cancelled. The shopkeepers all reported average and better than average sales compared to previous years. The DTCP has submitted a letter of intent to the Main Street USA organization and planned to apply for membership in February of 2009. President Hale asked if the lack of public restrooms downtown would prevent approval into the organization. Mr. Owen replied that the DTCP would have to list the number of retail shops with public restrooms; he didn't think restrooms would keep the Board from being approved as a Main Street USA organization. The DTCP held a Strategic Planning Session at Aileron in November and will be creating a Strategic Plan for 2009-2011. Finally, Mr. Owen stated that the DTCP sponsored its first façade makeover in 2008. The Partnership offered the Big Robot Café a \$500 matching grant to redo to the building's façade. He reported that the project was a success.

**Ordinance  
(Second Reading)**

The following ordinances were presented to City Council for adoption.

Ordinance 45-08  
Supplemental  
Appropriations

Ordinance 45-08: An ordinance supplementing the appropriations in Ordinance 48-07.

Clerk of Council Summary: This ordinance authorizes an increase of appropriations for various funds of the City to supplement the 2008 fiscal year budget in the total amount of \$29,370.

City Manager Report: Mr. Crusey stated that the adoption of this ordinance would appropriate an additional \$15,960 from the General Fund and \$13,410 from the Street Fund. The General Fund supplement is necessary to cover the unexpected costs of training 5 additional EMS volunteers. Ultimately the EMS Department will realize a return on the City's investment due to reduced operating costs associated with the use of volunteer EMS personnel. He noted that the additional Street Fund monies are needed to cover the unanticipated fuel and overtime costs related to snow removal during the February snow storm and debris clean up following the September wind storm. Mr. Crusey said the City was currently working through FEMA for reimbursement of wind storm related clean-up costs.

There being no further discussion, Mrs. Blakey sponsored this ordinance and moved for its adoption, seconded by Mr. Kessler. The motion carried. Ordinance 45-08 was declared passed and President Hale affixed his signature in witness thereto.

Ordinance 46-08  
Reductions of  
Appropriations

Ordinance 46-08: An ordinance reducing the appropriations in Ordinance 48-07.

Clerk of Council Summary: The Ohio Revised Code requires municipalities to reduce appropriations in line with realized revenues. This ordinance authorizes the necessary reduction in appropriations of \$280,000.

City Manager Report: In early 2008, due to economic conditions, City Council postponed several budgeted capital projects. The reduction of the General Fund transfer to the Capital Improvement Reserve Fund by \$280,000 necessitates the City reducing its capital appropriations by the same amount.

**Resolutions  
(One Reading  
Required)**

Resolution 36-08  
EMS Contract with  
Monroe Township

There being no further discussion, President Hale sponsored this ordinance and moved for its adoption, seconded by Mr. Beagle. The motion carried. Ordinance 46-08 was declared passed and President Hale affixed his signature in witness thereto.

The following resolutions were presented to City Council for adoption.

Resolution 36-08: A resolution authorizing and ratifying a contract with the Monroe Township Trustees providing emergency ambulance service within such township for inhabitants and non-inhabitants of said political subdivision pursuant to terms and conditions in said contract.

Clerk of Council Summary: This two-year contract renewal sets forth terms and conditions to provide Emergency Medical Services for the entirety of Monroe Township for calendar years 2009 and 2010.

City Manager Report: Mr. Crusey stated the ambulance fees set forth in the contract coincide with the rates recently approved by Council. The Township will contribute 22% towards the purchase of ambulances and appurtenances, which is based upon the five-year average of the Townships call volume.

There being no further discussion, Mrs. Gillis sponsored this resolution and moved for its adoption, seconded by Mr. Lovett. The motion carried. Resolution 36-08 was declared passed and President Hale affixed his signature in witness thereto.

Resolution 37-08  
Monroe Township Fire  
Protection Contract

Resolution 37-08: A resolution to authorize and ratify a three year contract with the Board of Trustees of Monroe Township, Miami County, Ohio providing for fire protection in said political subdivision pursuant to the terms and conditions and defined in said contract attached as Exhibit "A".

Clerk of Council Summary: This resolution authorizes the renewal of a contract with Monroe Township to provide fire suppression services. This renewal of a 3-year contract will begin January 1, 2009 and expire December 31, 2011.

City Manager Report: This resolution renews the Fire Protection contract with Monroe Township for a three-year period. Based upon the allocation of township runs and projected operating budgets, the township will realize a 6.8% decrease in annual contractual payments from \$54,214 to \$50,532.

There being no further discussion, Mayor Evans sponsored this resolution and moved for its adoption, seconded by President Hale. The motion carried. Resolution 37-08 was declared passed and President Hale affixed his signature in witness thereto.

**Ordinances  
(First Reading)**

The second reading and public hearing for the following ordinances will be held at the December 15, 2008 City Council Meeting.

2009 Operating  
Budget

Mr. Beagle sponsored an ordinance adopting the 2008 Operating Budget for the City of Tipp City, Ohio

Clerk of Council Summary: This ordinance adopts the operating budget for the fiscal and calendar year 2009 as proposed by the City Manager and reviewed by City Council at the November 24th Council Workshop.

City Manager Report: During Council's review of the operating budget there were no recommended changes to either the projected revenues or the proposed expenditures. Mr. Crusey announced that the General Fund revenue was projected to decrease 6% with expenditures decreasing 5.3% compared to the 2008 budget. He noted that General Fund departmental operating budgets increased 0.86%. The proposed budget projects a \$217,460 General Fund deficit. Mr. Crusey said that on average, the City normally spends 96% of the appropriations. Therefore, the General Fund should balance if revenue targets are met. Mr. Crusey reported that no transfers from the General Fund to the Capital Improvement Reserve Fund proposed in this budget as stagnant revenue and increasing operating costs have diminished the City's ability to make such a transfer in 2009.

2009 Appropriations

Mr. Lovett sponsored an ordinance to make appropriations for current expenses and other expenditures for the municipality of Tipp City, Ohio during the fiscal year ending December 31, 2008.

Clerk of Council Summary: This ordinance establishes the specific appropriations called for in the above-mentioned 2008 fiscal budget year.

City Manager Report: The appropriations ordinance is companion legislation to the approval of the operating budget. Mr. Crusey stated that the appropriations budget authorizes the expenditure of funds while the operating budget sets forth the financial plan for the ensuing fiscal year, including estimated revenue and proposed expenditures. This appropriations budget mirrors the recommended expenditures set forth in the operating budget that was reviewed by Council on November 24th.

Law Director

Mrs. Blakey sponsored an emergency ordinance amending Section 34.040 of the Tipp City Code relating to the duties and compensation of the Director of Law.

Clerk of Council Summary: This ordinance is being passed as an emergency measure because the previous ordinance appointing the Director of Law and setting forth his duties and compensation will expire on December 31, 2008.

City Manager Report: This ordinance confirms the City Manager's re-appointment of Joseph Moore as Law Director and establishes the compensation of the Law Director at \$43,092 annually for 2009 and 2010. Mr. Crusey noted that Mr. Moore's salary has not been increased since 2007. Mr. Moore will be retiring into the Ohio Public Employee Retirement System (OPERS) at the end of 2008 and is being considered for re-employment. Therefore, the City is required to advertise and conduct a public meeting regarding the re-employment of

**Motions**

2009 City Council  
Meeting Schedule

an OPERS benefit recipient prior to such re-employment. A public meeting will be held as part of the second reading and Council's consideration of this ordinance on December 15, 2008.

Mr. Lovett asked if Mrs. Blakey still had a conflict with Tuesday evenings. Mrs. Blakey concurred. Mr. Lovett stated that Mrs. Blakey's obligations were very important and suggested the City do something to recognize Martin Luther King Jr. Day. President Hale moved to approve the 2009 City Council Meeting Schedule as submitted, seconded by Mr. Beagle.

Employee Holiday Gift  
Certificates

Mr. Kessler moved, seconded by Mrs. Gillis, to approve the continuation of giving \$50 holiday gift certificates to full-time employees and \$25 holiday gift certificates to part-time employees of the City; certificates are to be purchased at local groceries. The motion unanimously carried.

**Miscellaneous**

2009 Restoration  
Board Action Plan

Mr. Crusey stated that Section 36.07 of the Tipp City Code of Ordinances requires the Restoration and Architectural Board of Review to provide City Council with an Annual Plan of their anticipated activities. The plan has been submitted to City Council and is available to the public upon request.

**Citizen Comments**

There were no citizen's comments.

**Councilmember  
Comments**

City Council members and thanked Mrs. Cheshire for her service to the City of Tipp City over the past eight years and wished her luck as she began her new position with the City of Loveland.

Mayor Evans congratulated Mrs. Gillis on her appointment to the State of Ohio Cosmetology Board and noted that Mrs. Gillis would be sworn in as the Tipp City Area Chamber of Commerce Board Chairman at the Annual Gala on December 3<sup>rd</sup>.

Mr. Lovett also congratulated Mrs. Gillis. He encouraged citizens to shop downtown this year and support our local merchants.

Mrs. Gillis thanked the L.T. Ball students for their presentation and encouraged everyone to attend the Holiday Festival Tree Lighting on December 6<sup>th</sup>.

Mr. Kessler asked citizens to donate to area food baskets to help local families during the holidays.

**City Manager  
Comments**

Mr. Crusey thanked Mrs. Cheshire for her assistance over the past six months and wished her good luck in Loveland.

**Executive Session**

Mr. Lovett moved to adjourn to executive session to discuss a personnel matter and pending and imminent litigation to include the City Manager and the Law Director, seconded by Mayor Evans. The motion carried and Council adjourned to Executive Session at 8:04 p.m.

**Adjournment**

The meeting reconvened. There being no further business, it was moved by Mayor Evans, seconded by Mr. Beagle, that the meeting be adjourned. The motion unanimously carried. President Hale declared the meeting adjourned at 8:36 p.m.

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Patrick A. Hale, President of Council

Attest: \_\_\_\_\_  
Misty Cheshire, Clerk of Council